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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/475,602	12/30/1999	BRYAN J. MOLES	SAMS01-00097	6560
23990	7590	09/11/2006	EXAMINER SON, LINH L D	
DOCKET CLERK P.O. DRAWER 800889 DALLAS, TX 75380			ART UNIT 2135	
			PAPER NUMBER	

DATE MAILED: 09/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/475,602

Applicant(s)

MOLES ET AL.

Examiner

Linh LD Son

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2135

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 14 August 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, ~~the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.~~

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: 1-20.

Claim(s) rejected: _____

Claim(s) withdrawn from consideration: _____

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Attachement.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____

Response to Arguments

1. Applicant's arguments filed 08/14/06 have been fully considered but they are not persuasive.

2. As per remark on page 8, Applicant argues that Forslow reference fails to disclose "replacing the IP packet header with a replacement IP packet header comprising an IP address of a selected one of at least one provisioning server of said wireless network". Examiner respectfully disagree. As cited in the rejection dated 06/14/06, Col 19 line 45 to Col 20 line 20 recites:

The common access procedure further provides for a common IP host configuration procedure for both circuit-switched and packet-switched services as is now described in conjunction with the signaling sequence shown in FIG. 13. The IP host configuration is transparent to the bearer setup except for the inclusion of the DHCP configuration relay agent 120 in the GGSN. The DHCP relay agent 120 acts as an intermediary between the DHCP client 104 in the mobile station 102 and the DHCP server 134 in the ISP 130. The relay agent 120 secures message transfer between the DHCP client 104 and server 134 by adding an agent identifier (corresponding to the MSid) to each DHCP message sent to the DHCP configuration server 134 in the ISP. The configuration relay agent 120 later uses the agent identifier to filter out and stop packets to/from the mobile station that did not have the correct IP address in the header. The agent remote identifier (remote ID) and a subnet mask, and a gateway IP address (giaddr) which is an address that identifies the GGSN, are sent to the ISP 130 where they are checked and stored.

(52) The ISP 130 uses the subnet mask and giaddr to route a response back to the GGSN, which in turn, forwards the response to the mobile station based on the agent remote ID. The agent remote ID also gives the ISP additional assurance that the mobile station is not "faking" its identity during the dynamic host configuration procedures. Accordingly, following the above-described common authentication procedure, the configuration relay agent 120 adds the GGSN's IP address to the giaddr field and relays the DHCP Discover message to the DHCP server.

Col 3 lines 40-43 recites:

The GGSN 54 maintains routing information used to "tunnel" PDUs to the GSN 50 currently serving the mobile station

The GGSN is a provisioning server since it contains information to serve the mobile station. The relay agent makes sure that the IP header has the correction information of

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the GGSN in the giaddr field, if it does not the relay agent replaces the IP header with the ip address of the GGSN.

Therefore, the rejection dated 06/14/06 is maintained.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Linh LD Son whose telephone number is 571-272-3856. The examiner can normally be reached on 9-6 (M-F).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 571-272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Linh LD Son
Examiner
Art Unit 2135


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